

MONDAY, DECEMBER 1, 1997

Civil BAUGH CONSTRUCTION CO. ET AL.  
No. vs. (Not for Publication)  
C023071 GRANITE STATE INSURANCE COMPANY  
C023311 BAUGH CONSTRUCTION CO. ET AL.

VS.  
HIGHLANDS INSURANCE COMPANY ET AL.  
BY THE COURT:

...The petition for respondent Granite State Insurance Company for rehearing is denied. This modification does not affect a change in the judgment.

FOR THE COURT:

BLEASE, Acting P.J.  
NICHOLSON, J.  
RAYE, J.

Civil In re the Marriage of MITZI and STEVEN CHRISTOPHER  
No. MITZI CHRISTOPHER (Not for Publication)  
C024050 vs.  
STEVEN CHRISTOPHER

The judgment is affirmed. Husband's appeal is totally without merit and frivolous. In addition to the normal costs on appeal, husband is ordered to pay wife \$3,435 as sanctions for filing a frivolous appeal.

SIMS, Acting P.J.

We concur: DAVIS, J.  
SCOTLAND, J.

MONDAY DECEMBER 1, 1997 CONTINUED

Civil	COD GAS & OIL, INC. ET AL.	
No.	vs.	(Certified for Publication)
CO24659	STATE BOARD OF EQUALIZATION	
	The judgment is affirmed.	
		RAYE, J.
	We concur: SCOTLAND, Acting P.J.	
	MORRISON, J.	
Crim.	THE PEOPLE	(Not for Publication)
No.	vs.	
C024548	TOMMY WAYNE MATTHIS	
	The judgment is affirmed.	
		NICHOLSON, J.
	We concur: SIMS, Acting P.J.	
	CALLAHAN, J.	
Crim.	THE PEOPLE	(Not for Publication)
No.	vs.	
C026235	EUGENE ALEX PIERT	
	The judgment is affirmed.	
		SIMS, J.
	We concur: PUGLIA, P.J.	
	RAYE, J.	
Crim.	THE PEOPLE	(Not for Publication)
No.	vs.	
C025733	ANDREW BENTON CUFAUDE	
	The judgment is affirmed.	
		DAVIS, J.
	We concur: PUGLIA, P.J.	
	MORRISON, J.	

MONDAY, DECEMBER 1, 1997 CONTINUED

Crim. ROBERT ROSE (Not for Publication)

No. vs.

C025484 SAFEWAY, INC. ET AL.

The judgment is affirmed.

DAVIS, J.

We concur: PUGLIA, P.J.

CALLAHAN, J.

Juvenile In re ZACHARY H., A person under the Juvenile Court Law

No. DEPARTMENT OF HEALTH AND HUMAN SERVICES

C026930 vs. (Not for Publication)

JAMES H.

The orders are affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.

RAYE, J.

Juvenile In re SHASTA S., et al., Persons under the Juvenile Court Law

No. DEPARTMENT OF HEALTH AND HUMAN SERVICES

C025570 vs.

HANNAH R.

The orders appealed from are affirmed.

DAVIS, J.

We concur: SIMS, Acting P.J.

SCOTLAND, J.

MONDAY, DECEMBER 1, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023996 JAMES ALLEN CANTWAY

The judgment is vacated. The matter is remanded to the trial court with directions to vacate defendant's conviction on one of the two lesser included offenses to count 1 and to sustain the other; if the court sustains the robbery conviction, the court shall cause the abstract of judgment and accompanying minute order to be corrected to reflect that the robbery is of the second degree. On remand, the court is also directed to determine whether to exercise its discretion under *Romero, supra*, as to defendant's prior strikes. Defendant's convictions as to the lesser included offense which the trial court chooses not to vacate and as to his prior felony convictions are affirmed.

SIMS, Acting P.J.

We concur: SCOTLAND, J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026131 RUBEN ALVAREZ MORALES

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023262 DION BRAGGS

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.  
RAYE, J.

MONDAY, DECEMBER 1, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No.  
 C024979 MATTHEW BERNARD SMITH  
 The judgment is affirmed.  
 NICHOLSON, J.  
 We concur: SIMS, Acting P.J.  
 CALLAHAN, J.

TUESDAY, DECEMBER 2, 1997

Civil MARTIN SOUZA ET AL.(Certified for Partial Publication)  
 No. vs.  
 C022484 BURTON LAUPPE ET AL.  
 The judgment is affirmed.  
 SCOTLAND, J.  
 We concur: DAVIS, Acting P.J.  
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. vs.  
 C026078 FREDERICK VIERRA  
 The judgment is affirmed. The trial court is directed to correct the  
 abstract of judgment to reflect the offense of which defendant was  
 convicted for receiving stolen property, and to forward a corrected copy of  
 the abstract to the Department of Corrections.  
 RAYE, J.  
 We concur: PUGLIA, P.J.  
 SCOTLAND, J.

Juvenile In re BRIDGET S. ET AL., Persons under the Juvenile Court Law  
 No. DEPARTMENT OF SOCIAL SERVICES  
 C026386 vs (Not for Publication)  
 LAURA T.  
 The orders of the juvenile court are affirmed.  
 BLEASE, Acting P.J.  
 We concur: SIMS, J.  
 SCOTLAND, J.

TUESDAY, DECEMBER 2, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C026236 JASON DOUGLAS COMER  
The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C024813 MICHAEL ARTHUR SERGER  
The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C026118 STEPHEN CRAIG SPADE  
The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C020889 RORY BRIAN CLAY, ET AL.  
The judgments are affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.  
MORRISON, J.

TUESDAY, DECEMBER 2, 1997 CONTINUED

Civil DIAMONDBACK ENTERPRISES, INC.  
 No. vs. (Not For Publication)  
 C023659 T & T PUMP CO., INC. ETC.

The order is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
 MORRISON, J.

Civil MARGARET LOUISE URBANI (Not for Publication)  
 No. vs.  
 C021898 PAYNES CREEK SPORTSMAN'S CLUB

The order granting the Club's motion for new trial is reversed. The trial court is directed to enter judgment in favor of Urbani on the first cause of action for implied-in-law dedication of a right of way across the Fletcher Trail. Also, since the new trial motion is deemed denied, the trial court is directed to grant the injunctive relief requested in Urbani's third cause of action in accordance with footnote 3 of our prior opinion. (Urbani v. Creek Sportsman's Club (Mar. 13, 1995) C016027, typed opn. pp. 15-16.) The Club shall pay Urbani's costs on appeal.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
 DAVIS, J.

Civil JOHN B. VANDENBERG (Certified for Publication)  
 No. vs.  
 C023922 THE SUPERIOR COURT OF SACRAMENTO COUNTY  
 C024460 CENTENNIAL INSURANCE COMPANY ET AL.

Let a peremptory writ of mandate issue in case Nos. C023922 and C024460, in each case directing the trial court to set aside its order granting summary adjudication and to enter a new order denying the motion. With the finality of this decision the alternative writs of mandate issued previously are discharged. Petitioners are awarded their costs.

SPARKS, J.\*

We concur: SIMS, Acting P.J.  
 DAVIS, J.

\*Retired Associate Justice of the Court of Appeal, Third District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

WEDNESDAY, DECEMBER 3, 1997

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026114 LUIS LLANES-MANZO

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026711 GARRY WAYNE NOEL

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025113 CYNTHIA DEAN MORRIS

The judgment is affirmed.

SCOTLAND, J.

We concur: PUGLIA, P.J.

RAYE, J.

Civil HENRYNE A. HINES (Not for Publication)

No. vs.

C025616 ELK GROVE UNIFIED SCHOOL DISTRICT

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P. J.

CALLAHAN, J.



WEDNESDAY, DECEMBER 3, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C023879 JEREMIAH RAY PISTOL

The convictions on counts 11, 13, and 18 are reversed. The judgment is otherwise affirmed.

DAVIS, Acting P.J.

We concur: SCOTLAND, J.

CALLAHAN, J.

Civil BEN PALAZZOLO (Not for Publication)

No. vs.

C025133 KEVIN T. BURTON

The judgment is affirmed. The motion to dismiss the appeal and the request for sanctions are denied. Defendant shall recover costs on appeal.

CALLAHAN, J.

I concur: SCOTLAND, Acting P.J.

I concur in the result:

NICHOLSON, J.

Juvenile In re CASSANDRA CHRISTINE H., A Person under the Juvenile Court  
No. Law

C026083 DEPARTMENT OF SOCIAL SERVICES

vs. (Not for Publication)

JOANN M.

The order denying visitation between appellant and the minor is reversed, and the matter remanded to the juvenile court for a hearing to consider granting appellant visitation with the minor. At the time of the hearing, the court shall consider all circumstances occurring in this case, including any developments concerning the minor which have occurred after the court entered the order that is the subject of this appeal.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.

SCOTLAND, J.

WEDNESDAY, DECEMBER 3, 1997 CONTINUED

Civil           ALFRED A. HERMAN ET AL. (Not for Publication)  
 No.            vs.  
 C023674       JIM R. BRYANT ET AL.

The portion of the judgment granting Dysert a prescriptive easement to take water from the sump and pipeline is reversed. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
 SIMS, J.

Crim.           THE PEOPLE           (Not for Publication)  
 No.            vs.  
 C022673       STANLEY ORSON STODDARD

The judgment is reversed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
 NICHOLSON, J.

THURSDAY, DECEMBER 4, 1997

Crim.           THE PEOPLE           (Not for Publication)  
 No.            vs.  
 C026067       MARCUS BUSER

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.  
 NICHOLSON, J.

Civil           FUNERAL SECURITY PLANS, INC. (Not for Publication)  
 No.            vs.  
 C022830       STATE BOARD OF FUNERAL DIRECTORS ETC. ET AL.  
 C024086

The judgments denying attorney fees and injunction relief are reversed. The case is remanded to the superior court to determine a reasonable fee and to grant plaintiff's request for injunctive relief. FSP shall recover its costs on appeal.

RAYE, J.

We concur: DAVIS, J.  
 CALLAHAN, J.

THURSDAY, DECEMBER 4, 1997 CONTINUED

Juvenile In re JEREMY F., A person under the Juvenile Court Law  
 No. HUMAN SERVICES AGENCY (Not for Publication)  
 C027022 vs.  
 KIM F.

The order terminating appellant's parental rights is affirmed.  
 RAYE, J.

We concur: SIMS, Acting P.J.  
 NICHOLSON, J.

FRIDAY, DECEMBER 5, 1997

Civil GONSALVES & SANTUCCI, INC. DBA CONCO PUMPING, INC.  
 No. vs. (Not for Publication)  
 C024065 SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR  
 THE COUNTY OF SACRAMENTO  
 RMC LONESTAR, INC.; MANUEL SOTO; A. TEICHERT & SON

Let a peremptory writ of mandate issue directing the trial court to vacate its order of June 4, 1996, and to conduct further proceedings in accordance with the views expressed herein with respect to RMC's motion to determine that the settlement with plaintiff was in good faith within the meaning of section 877.6. Having served its purpose, the alternative writ is discharged. Conco shall recover its costs. (Cal. Rules of Court, rule 56.4.)  
 SCOTLAND, J.

We concur: NICHOLSON, J.  
 RAYE, J.

Juvenile In re JAZMAN W., A person under the Juvenile Court Law  
 No. BUTTE COUNTY CHILDREN'S SERVICE DIVISION  
 C026705 vs. (Not for Publication)  
 VICTOR W.

The orders of the juvenile court are affirmed  
 PUGLIA, P.J.

We concur: DAVIS, J.  
 MORRISON, J.

FRIDAY, DECEMBER 5, 1997 CONTINUED

Civil COUNTY OF BUTTE (Not for Publication)

No. vs.

C024160 GREGORY R. FINLEY

The judgment is affirmed.

PUGLIA, P.J.

We concur: RAYE, J.  
MORRISON, J.

MONDAY, DECEMBER 8, 1997

Civil JAMES FEDERICO ET AL. (Certified for Publication)

No. vs.

C027388 SUPERIOR COURT OF SACRAMENTO COUNTY  
JENRY TORRES GONZALES, ETC.

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order denying defendants' motion for summary judgment and to grant that motion. Upon finality of this decision, the previously issued stay is vacated. Defendants shall recover their costs of this proceeding.

PUGLIA, P.J.

We concur: DAVIS, J.  
MORRISON, J.

Crim. THE PEOPLE (Certified for Publication)

No. vs.

C022519 WILLIAM EDWARD ROUSER

The conviction on count four (4573.6; possession of heroin) is reversed and that count is ordered dismissed. The trial court is directed to amend the abstract of judgment accordingly, the amended abstract also to reflect the imposition of a one-year term for each of the two prior prison term enhancements (667.5, subd. (b)). The trial court is ordered to forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed.

PUGLIA, P.J.

We concur: SIMS, J.  
CALLAHAN, J.

TUESDAY, DECEMBER 9, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025696 EARL TAYLOR JORDAN

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect the court ordered a stay of sentence pursuant to section 654 for the violation of section 148.

DAVIS, Acting P.J.

We concur: MORRISON, J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C024594 MANUEL JOE LOPEZ

The judgment is affirmed.

CALLAHAN, J.

We concur: PUGLIA, P.J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026153 GARY FREDERICKGARRELTS

The judgment is affirmed.

CALLAHAN, J.

We concur: NICHOLSON, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025914 LARRY DONNELL ELLIS

The judgment is affirmed.

CALLAHAN, J.

We concur: DAVIS, Acting P.J.  
MORRISON, J.

TUESDAY, DECEMBER 9, 1997 CONTINUED

Juvenile In re SEAN M., A Person under the Juvenile Court Law  
No. CHILDREN'S SERVICES DIVISION (Not for Publication)  
C025520 vs.  
SHARON M.

The orders are affirmed.

SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
NICHOLSON, J.

Civil STATIONARY ENGINEERS LOCAL 39 ET AL.  
No. vs. (Certified for Partial Publication)  
C024407 COUNTY OF SACRAMENTO ET AL.

The judgment is reversed. The trial court shall issue a writ of mandate directing the County of Sacramento Civil Service Commission to grant preferences in accordance Civil Service Rule 5.2 (b) (2), i.e., uniformly among all persons who have achieved permanent employment status. The trial court shall also determine the amounts due Daniel Ohler for the salary and benefits he would have received had he not been passed over. Appellants shall recover costs on appeal.

BLEASE, Acting P.J.

We concur: SIMS, J  
SCOTLAND, J.

Juvenile In re BOBBY T., A Person under the Juvenile Court Law  
No. THE PEOPLE (Not for Publication)  
C026715 vs.  
BOBBY T.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
SCOTLAND, J.

TUESDAY, DECEMBER 9, 1997 CONTINUED

Civil           Estate of MARION PHILLIP HOBSON, Deceased.  
No.            SUNNY D. HOBSON ET AL.   (Not for Publication)  
C026405       vs.  
              CRAIG H. LARSON, as Administrator, etc. et al.

The purported appeal from the order denying the motion for a vote of adult children beneficiaries is dismissed. The remaining portions of the order appealed from are affirmed. Respondents shall recover costs on appeal.

CALLAHAN, J.

We concur: NICHOLSON, Acting P.J.  
              MORRISON, J.

Juvenile       In re MAMIE S., A Person under the Juvenile Court Law  
No.            THE PEOPLE           (Not for Publication)  
C026760       vs.  
              MAMIE S. ET AL.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
              SCOTLAND, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.            vs.  
C022907       WILLIE GENE SEWELL  
              The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
              SCOTLAND, J.

Crim.           THE PEOPLE           (Not for Publication)  
No.            vs.  
C021776       SHAWN LEROY ROBERTSON  
              The judgment is affirmed.

BLEASE, Acting P.J.

We concur: SIMS, J.  
              SCOTLAND, J.

TUESDAY, DECEMBER 9, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C022379 JOHN WESLEY PARRATT

The conviction and special findings are affirmed. The sentence is vacated, and the matter is remanded to the trial court to allow it to exercise its discretion whether to strike one or more of defendant's prior felony convictions in the interest of justice. If the court declines to strike at least four of defendant's prior convictions, it shall calculate his term in accordance with the three strikes law as construed in *People v. Dotson*, supra, 16 Cal.4th 547.

SCOTLAND, J.

We concur: PUGLIA, P.J.  
DAVIS, J.



WEDNESDAY, DECEMBER 10, 1997

At 10:00 a.m., the court met in a special session at the Sacramento Community Center for the purpose of admission of new attorneys to the California State Bar.

PRESENT: HONORABLE ARTHUR G. SCOTLAND, Acting Presiding Justice  
HONORABLE GEORGE W. NICHOLSON, Associate Justice  
HONORABLE FRED K. MORRISON, Associate Justice

Robert L. Liston, Clerk  
Claudia Palmer, Bailiff  
Deena Fawcett, Chief Deputy Clerk

Seating of State and local Bar representatives.

Court called to order by Ms. Claudia Palmer.

Acting Presiding Justice Arthur G. Scotland welcomes admittees and introduces speakers.

George G. Gowgani, Vice Chair of the Committee of Bar Examiners of the California State Bar, welcomes admittees and presents motion for admission.

Samuel L. Jackson, Treasurer/Vice President of the Board of Governors of the California State Bar, speaks to admittees.

James R. Greiner, President of the Sacramento County Bar Association speaks to admittees.

Associate Justice George W. Nicholson speaks to admittees.

Associate Justice Fred K. Morrison speaks to admittees and reads from Section 6068 of the Business & Professions Code.

Acting Presiding Justice Arthur G. Scotland speaks to admittees and directs clerk to administer oath.

Oath administered by Mr. Robert L. Liston, Clerk

Court adjourns.

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WEDNESDAY, DECEMBER 10, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C023204 WILLIAM RUSSELL KIDWELL  
C024167 The convictions and special findings are affirmed. The sentence is  
vacated, and the matter is remanded for resentencing.  
SCOTLAND, J.

We concur: BLEASE, Acting P.J.  
SIMS, J.

Crim THE PEOPLE (Not for Publication)  
No. vs.  
C024221 FRANK ROMAS SUMAHIT  
The judgment (order of commitment) is affirmed.  
BLEASE, Acting P.J.  
We concur: SCOTLAND, J.  
RAYE, J.

Juvenile In re JEANNIE H., A Person under the Juvenile Court Law  
No. HUMAN SERVICES AGENCY (Not for Publication)  
C026107 vs.  
MICHELLE H.  
The orders are affirmed.  
SCOTLAND, J.  
We concur: BLEASE, Acting P.J.  
NICHOLSON, J.

Civil CORRECTIONS ANCILLARY STAFF ETC. (Not for Publication)  
No. vs.  
C023666 DEPARTMENT OF PERSONNEL ADMINISTRATION  
DEPARTMENT OF CORRECTIONS  
The judgment is affirmed.  
SCOTLAND, J.  
We concur: PUGLIA, P.J.  
RAYE, J.

THURSDAY, DECEMBER 11, 1997

Civil In re the Marriage of WILMA and LAWRENCE HUGHES  
 No. WILMA J. HUGHES (Not for Publication)  
 C025595 vs.

LAWRENCE L. HUGHES

The judgment (order) is affirmed.

NICHOLSON, J.

We concur: PUGLIA, P.J.  
 CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
 No. vs.  
 C026051 HARVEY LYNN GESBERG

The judgment is affirmed.

RAYE, J.

We concur: PUGLIA, P.J.  
 SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
 No. vs.  
 C025335 DENNIS LEE TOMPKINS

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.  
 RAYE, J.

FRIDAY, DECEMBER 12, 1997

Civil ARDEN CARMICHAEL INC ET AL.  
 No. vs.  
 C027284 COUNTY OF SACRAMENTO

By the Court:

Pursuant to written request of appellants, the appeal filed August 5, 1997, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19 (b).)

Dated: December 12, 1997

PUGLIA, P.J.

FRIDAY, DECEMBER 12, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025481 CHRISTOPHER CHARLES JONES ET AL.

The order of recusal is affirmed.

SIMS, J.

I concur: BLEASE, Acting P.J.

I concur but write separately to address the People's argument that ....

SCOTLAND, J.

Crim. THE PEOPLE (Not for Publication)  
No. vs.  
C025514 CLIFFORD MCDOWELL, JR.

Defendant's convictions and sentence are affirmed. The trial court shall correct the abstract of judgment, so that it shows the second restitution fine is imposed pursuant to section 1202.45, and shall furnish a copy of the corrected abstract to the Department of Corrections.

SIMS, J.

We concur: PUGLIA, P.J.

RAYE, J.

Civil GIAN S. JOHL ET AL. (Not for Publication)  
No. vs.  
C023761 HARBHAJAN S. BAINS ET AL.  
U.S. BANK OF CALIFORNIA

vs.

SRI GURU NANAK SIKH TEMPLE

The petition for rehearing is denied.

THE COURT:

BLEASE, Acting P.J.

SIMS, J.

CALLAHAN, J.

MONDAY, DECEMBER 15, 1997

At 9:30 a.m., the court met in the Library & Courts Building to begin its regular court calendar.

PRESENT: BLEASE, Acting Presiding Justice  
SCOTLAND, Associate Justice  
RAYE, Associate Justice

Bailiff Palmer.  
Calendar called.

Civil            N. L. PROPERTIES, INC.  
No.                vs.  
C025120        G. B. GROOMING, INC. ET AL.

Cause called. Peter J. Stubbs argued for Defendants-Appellants.  
Candice B. Harper, of Trainor.Robertson argued for Plaintiff-Respondent.  
Cause submitted.

At 9:47 a.m., court recessed. At 9:50 a.m. court reconvened with  
Acting Presiding Justice Blease, Associate Justice Davis and Associate  
Justice Nicholson.

Crim.            THE PEOPLE  
No.                vs.  
C023729        THERESA GLORIA ALEGRE

Cause called. Rommel Bondoc argued for Defendant-Appellant.  
Maureen A. Daly, Deputy Attorney General argued for Plaintiff-  
Respondent. Cause submitted.

At 10:14 a.m., court recessed. At 10:15 a.m. court reconvened with  
the same panel except Associate Justice Raye in place of Associate Justice  
Nicholson.

MONDAY, DECEMBER 15, 1997 CONTINUED

Civil NORCAL REALTY PARTNERS

No. vs.

C024355 FIDELITY NATIONAL TITLE INSURANCE ETC.

Cause called. Howard J. Stagg, IV, of the Law Offices of Howard J. Stagg argued for X-Comp-Appellant. John S. Pasco, Jr. argued for X-Defendant-Respondent. Cause submitted.

At 10:48 a.m., court recessed. At 10:49 a.m. court reconvened with Presiding Justice Puglia, Associate Justice Raye and Associate Justice Callahan.

Civil MARY E. TADENA-ORCA

No. vs.

C024318 REGENTS OF THE UNIVERSITY ETC. ET AL.

Cause called. Carlos M. Alcala, of Alcala & Velez argued for Plaintiff-Appellant. Charity Kenyon, of Diepenbrock, Wulff, Plant & Hannegan argued for Defendants-Respondents. Cause submitted.

At 11:11 a.m., court recessed. At 2:00 p.m. court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson and Associate Justice Raye.

Civil NBS IMAGING SYSTEMS, INC.

No. vs.

C024030 STATE BOARD OF CONTROL ET AL.  
POLAROID CORPORATION ET AL.

Cause called. Kathyleen A. O'Brien, of Sheppard, Mullin, Richter & Hampton argued for Real Party In Interest Polaroid Corporation. Catherine A. Close, General Counsel argued for Defendant-Appellant State Board of Control. Eileen Gray, Deputy Attorney General argued for Defendants-Appellants Peter G. Stamison. Michael Franchetti, of Franchetti & Franchetti argued for Plaintiff-Respondent. Tiffany Franchetti, of Franchetti & Franchetti argued for Plaintiff-Respondent. Charity Kenyon appeared on behalf of Real Party In Interest Polaroid Corporation but did not argue. Sandra J. McNabb appeared on behalf of Real Party In Interest AT&T Global Solutions. Cause submitted.  
(Consolidated w/ C024822)

MONDAY, DECEMBER 15, 1997 CONTINUED

Civil           NBS IMAGINGSYSTEMS, INC. ET AL  
No.            vs.  
C024822       SALLY REED, AS DIRECTOR, ETC. ET AL.

Cause called. Kathyleen A. O'Brien argued for Real Party In Interest-Appellant. Eileen Gray, Deputy Attorney General argued for Defendants-Appellants. Michael & Tiffany Franchetti, of Franchetti & Franchetti argued for Plaintiffs-Respondents. Robert M. Shore appeared on behalf of Real Party In Interest-Appellant but did not argue. Cause submitted. (Consolidated w/ C024030)

At 3:14 p.m., court recessed. At 3:15 p.m. court reconvened with the same panel except Acting Presiding Justice Blease in place of Associate Justice Nicholson.

Civil           ASSURANCE COMPANY OF AMERICA  
No.            vs.  
C025545       BREMCO CONSTRUCTION, INC. ET AL.

Cause called. James C. Nielsen, of Wright, Robinson, Ostheimer & Tatum argued for Plaintiff-Appellant. Norman J. Roger, of Roger, Scott & Helmer argued for Defendants-Respondents. Cause submitted.

At 3:35 p.m., court recessed. At 3:36 p.m. court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Scotland.

Crim.          THE PEOPLE  
No.            vs.  
C024220       MICHAEL JOHN PALUCK

Cause called. Deborah Tuttelman, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

Court recessed at 3:42 p.m. until 9:30 a.m., Tuesday, December 16, 1997.

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MONDAY, DECEMBER 15, 1997 CONTINUED

Civil           BARBARA WEST  
No.            vs.  
C026561       SUPERIOR COURT, SACRAMENTO COUNTY  
              PAMELA LOCKREM  
              By the Court:  
                  Real Party in Interest's petition for rehearing is denied.  
Dated:           December 15, 1997

PUGLIA, P.J.

Civil           CALIFORNIA TEACHERS' ASSOCIATION ET AL.  
No.            vs.  
C019678       STATE OF CALIFORNIA ET AL.  
              By the Court:  
                  Appellants' petition for rehearing is denied.  
Dated:           December 15, 1997

SIMS, J.

I would grant the rehearing.

PUGLIA, P.J.

Juvenile       In re DELIGHLA G., A Person under the Juvenile Court Law  
No.            SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN  
C026960       SERVICES                   (Not for Publication)  
              vs.  
              MARIZELA G.

The order of the juvenile court terminating appellant's parental rights  
is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
              RAYE, J.

Crim.         THE PEOPLE           (Not for Publication)  
No.            vs.  
C025807       DANIEL ROBERT BRITTON  
              The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.  
              CALLAHAN, J.



MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026886 DOUGLAS JORDAN SMITH

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025830 RONALD BRUCE AYERS

The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.  
CALLAHAN, J.

Juvenile In re ANDREW B., A Person under the Juvenile Court Law  
No. YOLO COUNTY DEPARTMENT OF SOCIAL SERVICES

C026752 vs. (Not for Publication)

ELDON R.

The order of the juvenile court transferring the case to Solano  
County is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025077 TEDDY LEON BITTLE

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.  
MORRISON, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025269 ROBERT DENNIS MCPHUN

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.

RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025091 LENNI WILKES

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.

MORRISON, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crimn. THE PEOPLE (Not for Publication)

No. vs.

C025654 DAVID THOMAS SHANKS

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
RAYE, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025753 GEORGE HARRY JONES

The judgment is affirmed.

PUGLIA, P.J.

We concur: DAVIS, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026183 GERALD LEON FISHER

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)

No. vs.

C026813 JAMIE DEAN JANUARY

The judgment is affirmed.

PUGLIA, P.J.

We concur: SCOTLAND, J.  
RAYE, J.

MONDAY, DECEMBER 15, 1997 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. vs.

C025229 VICKIE LYNN BARNES

The judgment is affirmed.

PUGLIA, P.J.

We concur: NICHOLSON, J.  
CALLAHAN, J.



